



Agenda Date: 1/17/01
Agenda Item: IV-B

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF MONMOUTH, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE BOROUGH OF SEASIDE)
PARK, COUNTY OF OCEAN, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE99010036

Schenck, Price, Smith & King, Morristown, New Jersey, by Edward W. Ahart, Esq., for the Petitioner.

Borough Clerk, Borough of Seaside Park, New Jersey, by Jay Delaney for the Borough.

BY THE BOARD:

On December 18, 1980, the Board granted National Video Systems, Inc. ("National Video") a Certificate of Approval in Docket No. 796C-6491 for the construction, operation and maintenance of a cable television system in the Borough of Seaside Park ("Borough"). On March 3, 1986, the Board approved the transfer of the Certificate of Approval from National Video to Ocean Cablevision Associates ("OCA") in Docket No. CM860172. On March 30, 1988, the Board approved the transfer of the Certificate of Approval from OCA to Monmouth Cablevision Associates ("MCA"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. The Petitioner's Certificate expired on December 18, 1995, however, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on March 17, 1995, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough held a public hearing on the application but did not adopt a renewal municipal consent ordinance.

On January 19, 1999, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Petitioner alleged that the Borough, by not granting the renewal municipal consent, was arbitrary, capricious and its decision was unsupported by the record.

Discussions took place between the parties that culminated in a settlement that resolved the matter. Pursuant to those discussions, the Borough adopted an ordinance granting renewal of its municipal consent on December 2, 1999. On July 5, 2000, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24. On September 21, 2000, the Petitioner filed an amended petition with the Board.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds the duration to be reasonable.
5. The Petitioner shall extend cable service to all sections of the Borough at standard and non-standard installation rates.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance must specify a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 501 Boulevard, in Seaside Heights Borough.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional

regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance.
11. Within eighteen months of this Renewal Certificate, the Petitioner shall designate a public, educational and governmental access channel for the Borough. The Petitioner shall tape one Borough Council meeting per month and provide tapes of the meeting to the Borough for its archives. The Petitioner shall also provide a television/VCR and an assortment of tapes to the Borough for use at the Senior Citizens Community Center.
12. The Petitioner shall provide, at no charge, the installation and basic and expanded basic monthly service to municipal, school and emergency services buildings within the Borough. The Petitioner shall also provide the installation of up to 10 outlets and basic monthly service to each of the Borough's schools as part of the "Cable in the Classroom" Program.
13. The Petitioner shall make Internet access available on one cable modem to the Borough's elementary school, at no charge, when such service becomes available in the Borough.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable

Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire December 18, 2005.

DATED: January 18, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
SECRETARY